

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JODIE L. MALICKI,  
on behalf of herself and all others similarly situated,**

**Plaintiff,**

**v.**

**Case No. 17-CV-1674**

**LEMAN U.S.A., INC.,**

**Leman.**

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**ORDER ON SUPPLEMENTAL BRIEFING**

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Jodie L. Malicki filed a lawsuit against her former employer, Leman U.S.A., Inc., alleging that Leman violated the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”) and Wisconsin Wage Payment and Collection Laws, Wis. Stat. §§ 109.01 *et seq.*, 103.01 *et seq.*, 104.01 *et seq.*, and Wis. Admin. Code § DWD 272.01. (Docket # 1, 43.) On February 19, 2019, Leman filed a motion for partial summary judgment on Malicki’s Claims 1 and 2. (Docket # 50.) The motion is now fully briefed. However, Malicki’s response of March 22, 2019, asserts that she was not able to provide some material facts because Leman filed its motion for partial summary judgment before the close of discovery on June 5, 2019, in violation of the court’s scheduling order. (Docket # 63 at 14–15 (citing Docket # 16).) Given Malicki’s assertion of prejudice due to Leman’s failure to abide by the scheduling order, I will allow Malicki to file a supplemental response to Leman’s motion and submit any additional proposed findings of fact by no later than August 9, 2019. Leman may file its surreply, if any, and its response to Malicki’s additional proposed findings of fact within

fourteen days of Malicki's supplemental response. Any other dispositive motions shall be filed by no later than August 9, 2019, in accordance with the scheduling order.

**ORDER**

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Malicki shall file a supplemental response to Leman's motion for partial summary judgment with any additional proposed findings of fact by no later than August 9, 2019. Leman shall have fourteen (14) days to file a surreply and its response to Malicki's additional proposed findings of fact.

Dated at Milwaukee, Wisconsin this 18<sup>th</sup> day of June, 2019.

BY THE COURT:

*s/Nancy Joseph*  
NANCY JOSEPH  
United States Magistrate Judge